

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RICHARD SCAFFIDI,

Plaintiff,

v.

GARY M. LANIGAN, et al.,

Defendants.

Civ. No. 17-810 (RBK) (KMW)

MEMORANDUM AND ORDER

Plaintiff is proceeding through counsel with a civil rights Complaint filed pursuant to 42 U.S.C. § 1983. On October 1, 2018, all Defendants filed a motion to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 24).

On October 22, 2018, it appears that Plaintiff filed a counseled Amended Complaint as of right, replacing his initial *pro se* Complaint, in response to Defendants' motion to dismiss. Fed. R. Civ. P. 15(a)(1)(B). The filing of this Amended Complaint effectively moots Defendants' motion to dismiss the original Complaint. *See Wilson v. Somerset Cty. Prosecutors Office*, No. 15-6034, 2016 WL 1090811, at *4 (D.N.J. Mar. 21, 2016) (explaining that courts should require a defendant to file a new motion if applying the pending motion to the amended complaint would create confusion or when the new pleading is substantially different).

Accordingly, IT IS on this 6th day of April, 2019,

ORDERED that Defendants' motion to dismiss (ECF No. 24) the original Complaint is DENIED AS MOOT in light of Plaintiff's subsequent filing of an Amended Complaint.

s/Robert B. Kugler

ROBERT B. KUGLER

United States District Judge